Cir

IN THE SUPREME COURT OF THE UNITED STATES

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SUPREME COURT, U.S.

JOE EUGENE SKIPPER,
PETITIONER

-VS-

BENNETT H. BRUMMER, et al.,
RESPONDENTS

CASE NO. 79-5499

REPLY TO RESPONDENTS' ANSWER BRIEF

Comes now Petitioner, Joe Eugene Skipper, and files his Reply To Respondents' Answer Brief pursuant to Rules Of The Supreme Court, Rule 24(4); and shows:

1. That the Brief filed by Counsel for Respondents is clearly out of time and should not be accepted by the Court. Petitioner's Petition for Writ of Certiorari was docketed in this Court on October 12, 1979 (Exhibit "A"). The Respondents Brief has a Certificate of Service dated November 21, 1979 (See Respondents' Answer Brief, page 4). That is a total of forty (40) days. Rules Of The Supreme Court, Rule 24, states:

> "1. Counsel for the Respondent shall have thirty days (unless enlarged by the Court or a Justice thereof, or by the Clerk under the provisions of paragraph 5 of Rule 34), after receipt of a petition, within which to file forty printed copies of an opposing brief....."

Respondents have not filed for or received an enlargement of time for filing their Reply Brief.

2. That Counsel for Respondents is attempting to mislead this Court into beleiving that Petitioner has no standing to raise the issues before the Court. Even if this Court should decide that Public Defenders do have absolute immunity, the Public Defenders in this case would still be liable because they acted outside their judicial function and beyond the bounds of their authority in permitting a legal intern to represent Petitioner at trial without the knowledge and written consent of Petitioner (See Florida Bar Integeration Rule, Article 18, Appendix of Respondents' Answer Brief).

This Court has already decided that for absolute immunity to apply that the official must be within the scope of his judicial function and within his authorized authority. See Imbler v. Pachtman, 424 U.S. 409, 96 S.Ct 984.

WHEREFORE, It is respectfully submitted that Certiorari should issue.

Respectfully submitted,

JOE EUGENE SKIPPER, pro se
P.O. Box 1100 - 761

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing REPLY TO RESPONDENTS' ANSWER BRIEF has been furnished Brian E. Nortan, Assistant Attorney General of Florida, The Capitol, Suite 1501, Tallahassee, Florida 32301, by United States Mail this 26 day of November, 1979.

Joe Eugene Skipper
JOE EUGENE SKIPPER, pro se

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 16, 1979

Mr. Joe Eugene Skipper
Box 1100-761
Avon Park, FL 33825

RE: Joe E. Skipper,
v. Bennett H. Brummer, et al.
No. 79-5499

Dear Mr. Skipper:

The petition for a writ of certiorari in the above-entitled case was docketed in this Court on October 12, 1979, as No. 79-5499.

A form is enclosed for notifying opposing counsel that the case was docketed.

Very truly yours,

MICHAEL RODAK, JR., Clerk
by Margaret McFarland

Margaret H. McFarland
Assistant

Enclosures

Exhibit "A"

IN THE SUPREME COURT OF THE UNITED STATES

JOE EUGENE SKIPPER,
PETITIONER

-VS-

BENNETT H. BRUMMER, et al.,
RESPONDENTS

CASE NO. 79-5499

NOTICE OF NEW ADDRESS

Comes now Petitioner, Joe Eugene Skipper, and files this his Notice of New Address.

Petitioner would inform the Court that he will be released from prison on December 3, 1979, and requests that all further legal correspondence be sent to:

Joe Eugene Skipper
3041 S.W. 67 Avenue
Miami, Florida 33155

Respectfully submitted,

JOE EUGENE SKIPPER, pro se
P.O. BOX 1100 - 761
AVON PARK, FLORIDA 33825

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF NEW ADDRESS has been furnished Brian E. Nortan, Assistant Attorney General of Florida, The Capitol, Suite 1501, Tallahassee, Florida 32301, Counsel for Respondents, by United States Mail this 26 day of November, 1979.

JOE EUGENE SKIPPER, pro se